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5 **BEFORE THE**
6 **BOARD OF REGISTERED NURSING**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 2012-568

10 **TRUDY LORENA EUBANKS**
11 **201 S. Columbia Street #911**
12 **Hemet, CA 92544**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

13 **Registered Nurse License No. 767110**

14 **Respondent.**

15 **FINDINGS OF FACT**

16 1. On or about March 22, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her
17 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
18 of Consumer Affairs, filed Accusation No. 2012-568 against Trudy Lorena Eubanks
(Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

19 2. On or about February 8, 2010, the Board of Registered Nursing (Board) issued
20 Registered Nurse License No. 767110 to Respondent. The Registered Nurse License was in full
21 force and effect at all times relevant to the charges brought in Accusation No. 2012-568 and will
22 expire on November 30, 2013, unless renewed.

23 3. On or about March 22, 2012, Respondent was served by Certified and First Class
24 Mail copies of the Accusation No. 2012-568, Statement to Respondent, Notice of Defense,
25 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
26 and 11507.7) at Respondent's address of record which, pursuant to California Code of
27 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
28 Respondent's address of record was and is:

1 201 S. Columbia Street #911
2 Hemet, CA 92544

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
5 124.

6 5. On or about April 16, 2012, and May 7, 2012, the Accusation served by First Class
7 Mail and certified mail, respectively, were returned by the U.S. Post Office as "Moved – Left No
8 Address." Respondent failed to maintain an updated address with the Board and the Board has
9 made attempts to serve the Respondent at the address on file. Respondent has not made herself
10 available for service and therefore, has not availed herself of her right to file a notice of defense
11 and appear at hearing.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
18 568.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 2012-568, finds

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Trudy Lorena Eubanks has
3 subjected her Registered Nurse License No. 767110 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
6 Nurse License based upon the following violations alleged in the Accusation which are supported
7 by the Default Decision Investigatory Evidence Packet in this case:

8 a. Respondent subjected her registered nurse license to disciplinary action under
9 section 2761, subdivision (a)(4) of the Code in that Respondent was disciplined by the State of
10 Mississippi Board of Nursing. Respondent surrendered her Mississippi nursing license as part of
11 an Agreed Order which stated that Respondent violated Miss. Code Ann. Section 73-15-29(1)(l)
12 when she submitted to a pre-employment drug screen, the results of which were positive for
13 marijuana. The Agreed Order permitted Respondent to voluntarily surrender her Mississippi
14 nursing license, effective July 19, 2011, in lieu of a hearing on the allegations.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 767110, heretofore issued to Respondent Trudy Lorena Eubanks, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2012.

It is so ORDERED August 3, 2012

Raymond Mallet

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-568**

12 **TRUDY LORENA EUBANKS**
13 **201 S. Columbia Street #911**
14 **Hemet, CA 92544**

A C C U S A T I O N

15 **Registered Nurse License No. 767110**

16 **Respondent.**

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about February 8, 2010, the Board of Registered Nursing issued Registered
24 Nurse License Number 767110 to Trudy Lorena Eubanks (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

CAUSE FOR DISCIPLINE

(Out-of-State Discipline Against Nursing License)

7. Respondent has subjected her registered nurse license to disciplinary action under section 2761, subdivision (a)(4) of the Code in that Respondent's Mississippi nursing license was disciplined by the State of Mississippi Board of Nursing. The circumstances are as follows:

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8. On or about July 19, 2011, Respondent consented to an Agreed Order with the State of Mississippi Board of Nursing (Mississippi Board). The Agreed Order states that on or about February 19, 2008, Respondent violated Miss. Code Ann. Section 73-15-29(1)(I) in that Respondent submitted to a pre-employment drug screen, the results of which were positive for marijuana. Said unprofessional conduct violated Chapter II, Section 1.2(q) of the Rules and Regulations of the Board, in that Respondent possessed, obtained, furnished or administered drugs to any person, including self, except as legally directed.

9. The Agreed Order permitted Respondent to voluntarily surrender her Mississippi nursing license, effective July 19, 2011, in lieu of a hearing on the allegations. Respondent acknowledged that the surrender of her license would have the same effect as a revocation of her license/privilege to practice nursing. Respondent is eligible to petition the Mississippi Board for the restoration of her license one year from the ratification date of the Agreed Order, which is July 30, 2012.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 767110, issued to Trudy Lorená Eubanks;

2. Ordering Trudy Lorena Eubanks to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: March 22, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2012802158